

**Minority Views of Vice Chairman Bond and
Senators Chambliss, Hatch, and Burr**

Report on

**Whether Public Statements Regarding Iraq by
U.S. Government Officials were Substantiated by
Intelligence Information**

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MINORITY VIEWS OF VICE CHAIRMAN BOND AND SENATORS CHAMBLISS, HATCH, AND BURR*

This majority-only written report by the Senate Intelligence Committee is a great disappointment to us and an unfortunate commentary on the political nature of intelligence oversight in the Congress today. We regret that at a time when the Committee should be focusing its full attention on improving our intelligence community, closing the gaps in critical intelligence, and making our country safer, that the Committee finds itself again consumed with political gamesmanship. Although we asked from the beginning of this investigation to be included in it, we were cut out; although we asked that the Members of the Committee produce the conclusions on this report, two majority staff were assigned to the task; and although we had over 50 amendments on the table at our Committee meeting on this report, we were not allowed to offer any of them. We have rarely seen such a poorly handled congressional investigation, and we believe the facts detailed below speak for themselves.

Early History

In late 2003 the Democrats first proposed that the Committee expand its inquiry of intelligence on Iraq into how administration policymakers “used” intelligence; frankly, we were not sure what they meant. At the time, it was already becoming clear to the Committee that the intelligence community’s performance in its estimate of Iraq’s weapons of mass destruction capabilities had been a serious failure. Having heard many of the statements those policymakers had made, it seemed obvious to us that they “used” the intelligence on Iraq the same way policymakers in Congress at the time and policymakers in previous administrations had: they read it, made decisions based on what they read (as well as other available information), and they spoke to the American public about their policies and decisions. Once the Committee’s inquiry began to reveal that analysts were not “pressured” by the administration to assess that Iraq had weapons of mass destruction and that, in fact, the intelligence itself was wrong, it appeared that the Democrats wanted to add a more subjective element into the investigation—how policymakers “used” intelligence.

The reason for this initiative became clear in November 2003 when the press exposed a memo which outlined the “plan” by Committee Democrats to explore “vague notions of use” in order to make the greatest political gain from the Committee’s Iraq investigation. They intended to “pull the majority along as far as we can on issues that may lead to new disclosures regarding improper or questionable conduct by administration officials.” The memo said that “we don’t know what we will find but our prospects for getting access we seek is far greater when we have the backing of the majority.” The memo also noted that “we can verbally mention some of the intriguing leads we are pursuing”—presumably to the press and in violation of the Committee rules.

In spite of this disturbing revelation that the Democrats were seeking to politicize deliberately the national security oversight function of the Congress, in an effort toward bipartisan compromise, in February 2004 the Committee agreed to examine “whether public

* I concur with the Vice Chairman’s views on the substance of the report as well as the Minority’s amendments. I am unable to comment on any Phase I or Phase II activities that preceded my membership on this Committee.

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statements and reports and testimony regarding Iraq by U.S. Government officials made between the Gulf War period and the commencement of Operation Iraqi Freedom were substantiated by intelligence information” as part of a second phase of the Iraq inquiry. Given what we had already learned, we warned that this could quickly devolve into an unfortunate use of the Committee’s time and resources, but we were willing to agree to the compromise nonetheless, confident that any *fair* inquiry would show clearly that the statements of administration officials were substantiated by the intelligence available to them at the time, intelligence that, as described in the Committee’s unanimous Phase I report, was flawed.

Unfortunately, the report released today confirmed our early suspicions. The Phase II effort has indeed resulted in a partisan exercise and requests made by the Democrats of the then-Republican Committee leadership from 2004 to 2006 for the inquiry itself and for unnecessary interviews and documents were clearly intended as roadblocks to prevent the inquiry’s completion and to allow bogus charges of “obstruction” intended to help the Democrats’ political goals.

Ironically, but not surprisingly, even when the Democrats gained control of the Committee and were in a position to take their best shot at fashioning a purely partisan inquiry—specifically by instructing only two majority staffers to conduct the review, cutting out the minority entirely, twisting the statements of the policymakers they reviewed, and cherry picking the intelligence that helped best make their case—the reports essentially validate what we have been saying all along: that policymakers’ statements were substantiated by the intelligence. As the Committee’s Phase I report showed, it was the intelligence that was faulty. In the cases in which the majority concluded that statements were not substantiated by intelligence or did not convey fully the intelligence community’s analysis, it is clear that either the words of the policymakers in question or the body of intelligence available at the time were distorted in order to make these false charges. We have addressed each of those cases in the attached amendments in Appendix A (see amendments 42, 68, 85, 86, 96, 119, 120, and 136)

With the partisan elements of this inquiry now fully exposed, we hope that others will see why we are so disappointed that Committee time and resources have been wasted at this critical juncture in our nation’s history. We have not had an Intelligence Authorization Bill become law in this Congress or the last Congress, we have not had a Foreign Intelligence Surveillance Act (FISA) reform bill become law in this Congress—two badly needed bills—both to improve the functioning of the intelligence community and protect the nation. Yet, we have been forced to waste countless man-hours to show what we and the American people already knew four years ago, that policymakers’ statements turned out to be wrong after the war because the statements were based on flawed intelligence. The Committee’s Phase I report, which investigated that intelligence failure and explained how it happened, was a judicious and valuable act of intelligence oversight. Distorting intelligence and misleading the public, as the current majority report does, is not.

We are also disappointed that in a zealous, but ultimately failed, attempt to expose alleged “distortions” by the administration, the majority chose to cover up and distort information themselves. Specifically, the majority report excludes from consideration all of the statements made by Members of Congress and the previous administration that were submitted

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for review by the Republican Members. It also excludes relevant intelligence information requested for inclusion by Republican Members including instances in which the Committee knew that specific policymakers' statements were fact-checked and approved by intelligence community agencies. It treats policymakers unfairly by distorting their words and refusing those individuals the opportunity to respond to what has been alleged about their statements. Because these issues are our most serious concerns about this flawed majority report, we address each in more detail below.

Cover-up for Democrats


Following the Committee's agreement on February 12, 2004, to examine "whether public statements and reports and testimony regarding Iraq by U.S. Government officials made between the Gulf War period and the commencement of Operation Iraqi Freedom were substantiated by intelligence information" the Chairman and Vice Chairman each provided a list of statements their respective Members wanted examined by the Committee staff. In the reports released today, only those statements submitted by the Democrats were reviewed.

The Republican Members of the Committee submitted approximately 100 statements for review. These were statements made by officials in the previous administration and Members of Congress. Many of our Members believed it was relevant and important to include those statements, particularly from Democrats in Congress, to show that during the debate leading up to and during the authorization of the war in Iraq and during previous efforts to use force in Iraq, Members of both parties with access to intelligence information, not just the Republican administration, made very similar statements about Iraq's weapons of mass destruction capabilities and links to terrorism. In our opinion, the statements from most policymakers, whether or not they supported the decision to go to war in Iraq, were similar because everyone saw virtually the same intelligence and used that same intelligence in speeches to explain their own decision-making.


Nuclear

In the nuclear area, for example, the majority report's first conclusion notes that policymakers' statements about Iraq's nuclear activities were substantiated by intelligence, but the majority concludes that some statements did not convey disagreements that existed within the intelligence community. Many Democrats in Congress also discussed Iraq's nuclear efforts during the Iraq war debate and in other venues and similarly did not describe disagreements within the intelligence community.

For example, all of the following statements discussed Iraq's efforts to develop nuclear weapons, but none of them noted that there was a dissent from one of the agencies within the intelligence community. Conversely, the report is critical of administration officials who did not discuss this dissent even though the dissent had not even been published by that agency at the point the statements by the administration officials were made. The majority apparently believes some policymakers should be mind-readers. All of the following statements made by Democrats in Congress were made after the publication of the Iraq WMD NIE in which the nuclear alternative judgment was published, yet none of them was allowed to be included in the report.

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- In the four years since the inspectors left, intelligence reports show that Saddam Hussein has worked to rebuild his chemical and biological weapons stock, his missile delivery capability, and his nuclear program. He has also given aid, comfort and sanctuary to terrorists, including al-Qa'ida members. – **Senator Hillary Clinton**, Congressional Record, October 10, 2002.
 - There is unmistakable evidence that Saddam Hussein is working aggressively to develop nuclear weapons and will likely have nuclear weapons within the next 5 years. He could have it earlier if he is able to obtain fissile materials on the outside market, which is possible—difficult but possible. We also should remember we have always underestimated the progress that Saddam Hussein has been able to make in the development of weapons of mass destruction. **Senator John D. Rockefeller IV**, Congressional Record, October 10, 2002.
 - Saddam Hussein is an evil man, a dictator who oppresses his people and flouts the mandate of the international community. While this behavior is reprehensible, it is Hussein's vigorous pursuit of biological, chemical and nuclear weapons, and his present and potential future support for terrorist acts and organizations, that make him a terrible danger to the people to the United States. **Senator Charles Schumer**, Congressional Record, October 10, 2002
 - There is no question that Iraq possesses biological and chemical weapons and that he seeks to acquire additional weapons of mass destruction, including nuclear weapons. That is not in debate. **Senator Christopher Dodd**, Congressional Record, October 9, 2002.
 - We know that he has chemical and biological weapons. He has already used them against his neighbors and his own people, and is trying to build more. We know that he is doing everything he can to build nuclear weapons, and we know that each day he gets closer to achieving that goal. **Senator John Edwards**, Congressional Record, October 10, 2002.
 - Almost no one disagrees with these basic facts: that Saddam Hussein is a tyrant and a menace; that he has weapons of mass destruction and that he is doing everything in his power to get nuclear weapons; that he has supported terrorists; that he is a grave threat to the region, to vital allies like Israel, and to the United States; and that he is thwarting the will of the international community and undermining the United Nations' credibility. **Senator John Edwards**, Congressional Record, October 10, 2002

The following statement from Senator John Kerry went a step further, claiming that “all U.S. intelligence experts agree that Iraq is seeking nuclear weapons.” In fact, not “all” intelligence agencies assessed that Iraq was seeking nuclear weapons; as noted in the majority report, one agency considered the evidence inadequate to reach such a judgment.

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- According to the CIA's report, all U.S. intelligence experts agree that Iraq is seeking nuclear weapons. There is little question that Saddam Hussein wants to develop nuclear weapons. The more difficult question to answer is when Iraq could actually achieve this goal. That depends on its ability to acquire weapons-grade fissile material. If Iraq could acquire this material from abroad, the CIA estimates that it could have a nuclear weapon within 1 year. **Senator John Kerry**, October 9, 2002.

This comment from Senator Durbin, made nearly a year earlier, actually indicated that Saddam Hussein had "perhaps even nuclear weapons" at his disposal. At no time did the intelligence community assess that Iraq perhaps had nuclear weapons.

- When you look at what Saddam Hussein has at his disposal, in terms of chemical, biological, and perhaps even nuclear weapons, we cannot ignore the threat that he poses to the region and the fact that he has fomented terrorism throughout his reign. **Senator Dick Durbin**, December 21, 2001, Larry King Live.

Why were none of these statements considered worthy of analysis by the majority's review staff, particularly those made by Senators Durbin, Edwards, and Rockefeller, who were all members of the Senate Intelligence Committee at that time, and by Senator Clinton, who has publicly acknowledged being briefed on the NIE?

UAVs

Regarding Iraq's UAV capability, the report notes that some administration statements did not convey disagreements or evolving views within the intelligence community about whether Iraq intended to use UAVs for chemical or biological weapons delivery. The report, however, failed to analyze statements made by Democrats like:


- Saddam's existing biological and chemical weapons capabilities pose real threats to America today, tomorrow. Saddam has used chemical weapons before, both against Iraq's enemies and against his own people. He is working to develop delivery systems like missiles and unmanned aerial vehicles that could bring these deadly weapons against U.S. forces and U.S. facilities in the Middle East. He could make these weapons available to many terrorist groups, third parties, which have contact with his government. Those groups, in turn, could bring those weapons into the United States and unleash a devastating attack against our citizens. I fear that greatly. **Senator John D. Rockefeller IV**, Congressional Record, October 10, 2002.
- In addition, Iraq is developing unmanned aerial vehicles UAVs, capable of delivering chemical and biological warfare agents, which could threaten Iraq's neighbors as well as American forces in the Persian Gulf. **Senator John Kerry**, Congressional Record, October 9, 2002.

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"Intent"

In a section titled "Intent" the majority report includes statements from several administration officials which discussed their concerns about what Saddam Hussein could do with his weapons of mass destruction considering his disdain for the United States and his long association with terrorist groups. We believe that these statements were not about Iraq's "intent" at all, as the majority report says, but were explaining that with a lack of information about Iraq's intent, these policymakers were concerned about Iraq's capabilities. We note that many Democrats also expressed the same concerns about the threat Iraq posed or might have posed to the United States due to his weapons of mass destruction capabilities, connections to terrorists, or both in speeches that were not analyzed in the majority report:

- I have come to the inescapable conclusion that the threat posed to America by Saddam's weapons of mass destruction is so serious that despite the risks and we should not minimize the risks we must authorize the President to take the necessary steps to deal with that threat. There has been some debate over how "imminent" a threat Iraq poses. I do believe Iraq poses an imminent threat. I also believe after September 11, that question is increasingly outdated. It is in the nature of these weapons that he has and the way they are targeted against civilian populations, that documented capability and demonstrated intent may be the only warning we get. To insist on further evidence could put some of our fellow Americans at risk. Can we afford to take that chance? I do not think we can. **Senator John D. Rockefeller IV**, Congressional Record, October 10, 2002.
- Is [Saddam Hussein] a greater threat than he was in 1991? He surely is. There's different ways of launching scuds and all kinds that go faster, farther. There is no question on that... And if [our allies] are not there for us, does that mean in this debate, precedent-based, historically-based, that we sort of sit and take it, or are we going to end up basically being unilateral anyway because we cannot have our children smallpoxed. **Senator John D. Rockefeller IV**, Congressional Record, September 25, 2002.
- When I vote to give the President of the United States the authority to use force, if necessary, to disarm Saddam Hussein because I believe that a deadly arsenal of weapons of mass destruction in his hands is a threat, and a grave threat to our security and that of our allies in the Persian Gulf region. **Senator John Kerry**, Congressional Record, October 9, 2002.
- I believe that Saddam Hussein's Iraqi regime represents a clear threat to the United States, to our allies, to our interests around the world, and to the values of freedom and democracy we hold dear....Thousands of terrorist operatives around the world would pay anything to get their hands on Saddam's arsenal, and there is every possibility that he could turn his weapons over to these terrorists...we can hardly ignore the terrorist threat, and the serious danger that Saddam would allow his arsenal to be used in aid of terror. **Senator John Edwards**, Congressional Record, September 12, 2002.

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- When I consider that Hussein could either use or give to terrorists weapons of mass destruction biological, chemical or nuclear and that he might just be mad enough to do it I find, after careful research, the answer to my question: we cannot afford to leave him alone over the next 5 or even 3 years. **Senator Charles Schumer**, Congressional Record, October 10, 2002
 - If you allow someone like Saddam Hussein to get nuclear weapons, ballistic missiles, chemical weapons, biological weapons, how many people is he going to kill with such weapons? He's already demonstrated a willingness to use the weapons. He poison-gassed his own people. He used poison gas and other weapons of mass destruction against his neighbors. This man has no compunction about killing lots and lots of people. So this is a way to save lives and to save the stability and peace of a region of the world that is important to the peace and security of the entire world. **Vice President Al Gore**, Address to the Nation, December 16, 1998.
 - Our strategic objective is to contain Saddam Hussein and curtail his ability to produce the most deadly weapons known to mankind-weapons that he has unleashed with chilling alacrity against his own people. Left unchecked, Saddam Hussein would in short order be in a position to threaten and blackmail our regional allies, our troops, and, indeed, our nation. **Senator Joe Biden**, Congressional Record, February 12, 1998.
 - Saddam Hussein, with one nuclear weapon, would be far more dangerous than the Soviet Union with 20,000. The difference is, they would not use [their weapons]. They were not suicidal. He would. **Senator Carl Levin**, Congressional Record, October 9, 1998
 - With the peace of the region and, and in fact, much of the world at risk, we cannot allow Iraq to continue its maneuvers designed to protect such a dangerous buildup of biological, chemical and nuclear weapons. **Senator John D. Rockefeller IV**, Congressional Record, December 16, 1998.
 - It is not possible to overstate the ominous implications for the Middle East if Saddam were to develop and successfully militarize and deploy potent biological weapons. We can all imagine the consequences. Extremely small quantities of several known biological weapons have the capability to exterminate the entire population of cities the size of Tel Aviv or Jerusalem. These could be delivered by ballistic missile, but they also could be delivered by much more pedestrian means; aerosol applicators on commercial trucks easily could suffice. If Saddam were to develop and then deploy usable atomic weapons, the same holds true. **Senator John Kerry**, Congressional Record, November 9, 1997

This is only a sampling of the approximately 100 statements submitted by Republican Members of this Committee for review and which we repeatedly requested be included in the

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report as agreed previously by the Committee Members. This request was ignored by the majority during two iterations of comments on the report drafts and a motion to include such statements, offered by the Vice-Chairman at the Committee's business meeting, was denied a hearing by the Chairman.

Cherry-Picking Intelligence

We have several concerns about the intelligence information the majority chose to include, and chose to ignore, in its report.

First, the majority chose to include only "finished disseminated intelligence" for comparison with policymakers' statements. This is not only a departure from the Committee's agreed upon terms of reference, it is unfair to policymakers whom we know had access to far more than just published intelligence assessments.

For example, in preparation for Secretary Powell's statement before the UN on February 5, 2003, the CIA provided an intelligence report called a TD (telegraphic dissemination) for use in the speech. In spite of the fact that the CIA informed the Committee about this in early 2004 and that the information was included in the Committee's first Iraq report published nearly four years ago, the majority refused to include, or even consider, the TD in its majority report. Instead the majority report included an intelligence assessment published *after* the Secretary's speech and noted the existence of "operational intelligence traffic." Any intelligence officer who has been on the job more than a week knows that a TD is an intelligence report, not "operational traffic." Moreover, after refusing our request to include the TD, incorrectly arguing that it was "operational," the majority drafters included several actual operational cables of their choosing in another section of the report. Worse, these were operational cables which the Committee knows were not finished intelligence reports for policymakers and were not given to any administration officials; yet the much more widely disseminated TD, specifically provided to Secretary Powell for use in his speech, was not included in the majority report.

Even worse, excluded from sections of the report which specifically analyze the President's statements, is the President's Summary of the NIE, a summary document prepared for and presented to the President. This is most disturbing since in two important cases—regarding reconstitution of Iraq's nuclear program and Iraq's intent to use its small UAVs for biological weapons delivery—the judgments and dissents were presented differently than in the NIE's key judgments and main text. In fact, in the case of Iraq's UAVs, the dissent was not included in the President's summary at all.

Second, the report excludes other information relevant to any fair inquiry of whether policymakers' statements were substantiated by intelligence. For example, the Committee obtained information related to the coordination, declassification, and fact-checking of the President's Cincinnati speech with the CIA, relevant portions of which we requested be included in the report. Specifically, a handwritten note by a CIA officer at the bottom of one of the drafts to then-DCI Tenet said that the CIA terrorism analyst had "read all the terrorism paragraphs and said it was all okay" (emphasis original.) We believed it was only fair to let the public know that the CIA checked the President's speech and said that all of the terrorism paragraphs were

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determined by CIA analysts to be “all okay.” Apparently the majority did not think this was something the public needed to know since they denied our request to include it and did not allow a vote on the amendment offered to fix this shortcoming. Why do the Democrats want to hide the fact that the CIA cleared the President’s speech?

As another example, the majority report analyzes Secretary Powell’s UN speech, but does not explain that this speech was not only checked and rechecked by the intelligence community to ensure that the speech was well supported by the available intelligence, but also that the first draft of the speech was actually written by the CIA. Notably, the report fails to mention this. In some cases the majority report actually claims that Secretary Powell’s statements in this speech were not substantiated by intelligence, even though the intelligence was in the original draft written by the CIA. We are at a loss to explain how the majority can believe that a speech drafted by the CIA and then checked and rechecked by the intelligence community to ensure that it was strongly supported by the available intelligence could in any way be characterized as unsubstantiated by intelligence at that time.

Third, in several cases, the report compares policymaker statements to intelligence published after, sometimes months after, the statements were made. This just does not make sense. For example, Amendment 97 addresses a conclusion which says the “President’s suggestion that the Iraqi government was considering using UAVs to attack the United States was substantiated by intelligence judgments available at the time, but these judgments were revised a few months later, in January 2003.” Whether the NIE judgments were reviewed after the President’s speech is irrelevant to whether the statement was substantiated at the time it was made. Furthermore, we note that this conclusion also distorts the President’s words because he did not say that Iraq was considering using UAVs to target the United States. Rather, he said: “we are concerned that Iraq was exploring ways of using these UAVs for missions targeting the United States,” a comment that was fully consistent with the January 2003 NIE, *Nontraditional Threats to the U.S. Homeland Through 2007*. Obviously the intelligence community had to be concerned that Iraq could use these UAVs to target the homeland or they would not have been included in an NIE about threats to the Homeland at all.

We find the refusal to include all relevant intelligence and the inclusion of information published after the delivery of statements to be particularly ironic since in a letter on November 14, 2005, then-Vice Chairman Rockefeller, along with Senators Levin and Feinstein, wrote to the Majority and Minority Leaders explaining that they had “insisted that the Committee compare statements of government officials against all intelligence information prepared for circulation and relevant to the subject matter at issue, provided it was it was available at the time the statement was made.”

This appeared to be considered a worthwhile task when the burden of collecting all of the available intelligence from the end of the Gulf War through the start of Operation Iraqi Freedom fell to Republican Members and their staff, but when the Democrats took charge, including only some of the intelligence was deemed acceptable. Perhaps forcing the Republican staff to review over 40,000 documents was just a request intended to delay further publication of the Phase II effort and allow the continuation of charges of “obstruction.”

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The idea of limiting the intelligence to that which was “available at the time the statement was made” must have seemed like a better idea when the Democrats thought policymakers would not be able to use information published even days after their statements to defend themselves. When it turned out that this could be used to the majority’s own advantage, however, information that was actually available to policymakers apparently became less important. Maybe the majority believes those reading the report will not bother to check the dates.

On behalf of the minority, the Vice-Chairman filed 26 amendments in the category of “cherry picking or excluding relevant information from the report.” The Chairman refused to allow consideration of any of these amendments at the Committee’s business meeting. (See Appendix A, amendments 13, 18, 20, 22, 26, 28, 29, 32, 38, 39, 54, 71(a), 81, 82, 97, 106, 108, 130, 132, and 133.

Unsubstantiated Claims/Distorting Intelligence

One of the most hypocritical aspects of the Majority report is that while it purports to cast judgment on how well policymakers characterized intelligence analysis in their public statements, the report itself distorts many policymakers’ statements and the intelligence analysis. This has the unfortunate consequence of undermining the Committee’s credibility in exercising oversight.

Several of the minority’s amendments focused on the issue of mischaracterizing policymakers’ statements. One example is Amendment 7 which addresses a portion of the majority report which says that the President, Vice President, and the Secretary of State “stated that the Iraq government had an active nuclear weapons program.” However, even a cursory examination of the statements included for review in the report shows that none of the named individuals “stated” that Iraq had an “active nuclear weapons program,” not one. Another amendment, Number 136, addresses a conclusion that claims the President and Vice President made statements that “Saddam Hussein was prepared to give weapons of mass destruction to terrorist groups for attacks against the United States.” Yet, neither the President nor the Vice President said this.

The report also distorts the intelligence analysis to help bolster its case against policymakers. For example, Amendment 129 addresses a portion of the report which claims that the October 2002 NIE judged that “Saddam was unwilling to conduct terrorist attacks targeting the United States at that time.” The NIE never said this. In fact, this NIE judged that Iraq was investigating mapping software for its UAVs, useless outside the United States. The NIE said this “suggests that Iraq is investigating the use of these UAVs for missions targeting the United States.” In addition, Amendments 81-82 address a portion of the report which says that the “intelligence community was not aware of any large, deeply-buried facilities” in Iraq. This makes it sound as though the intelligence community did not assess that Iraq had deeply-buried facilities. In reality, the intelligence community had long assessed that Iraq had deeply-buried facilities in Iraq; they noted only that they were unable to specifically identify them, something hardly uncommon in intelligence.

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A final example, Amendment 58 addresses a conclusion about Iraq's biological weapons capabilities which states that policymakers' statements were substantiated by intelligence information, but concludes that they "did not discuss gaps in Iraq's biological weapons programs, which were explicit in the NIE." The NIE's assessment of Iraq's biological weapons program was that "all key aspects—R&D, production, and weaponization—of Iraq's offensive BW program are active and that most elements are larger and more advanced than they were before the Gulf war." This judgment and the NIE judgment that Iraq had biological weapons were "high confidence" judgments. In a ten-page discussion of Iraq's biological warfare capabilities only one sentence noted any gaps in knowledge of Iraq's BW program and this was only regarding "specific information on the types of weapons, agent, or stockpiles Baghdad has at its disposal." In other words, there were no gaps noted regarding the judgments that Iraq had an offensive biological weapons program or stocks, only uncertainty as to what kinds of agents were in those stocks—hardly a gap.

On behalf of the minority, the Vice-Chairman filed 31 amendments in this category—unsubstantiated claims or distorting information. The Chairman refused to allow consideration of any of these amendments at the Committee's business meeting. (See Appendix A, amendments 7, 11, 16, 17, 17(a), 19, 21, 22(a), 23, 30, 31, 33, 34, 41, 41(a), 58, 68, 70, 71, 83, 85, 86, 90, 96, 99, 119, 120, 121, 125, 126, 127, 128, 129, 131, 135, 135, 136, 137, and 140.

Refusal to Offer Policymakers the Opportunity to Be Heard

We also disagree with the majority's decision not to request interviews with policymakers whom the report alleges made unsubstantiated statements. These individuals deserve the opportunity to respond to the majority's allegations and be afforded the opportunity to inform the majority of intelligence information that may be lacking from the report that had been used in the preparation of their statements.

We note that in the last Congress the Democrats argued that policymakers needed to be brought before the Committee to be interviewed about their statements *even before* the Committee had made a determination about whether their statements were substantiated. Then-Vice Chairman Rockefeller even wrote to the Chairman with a list of people to be interviewed which included Secretary of State Colin Powell, Deputy Secretary of State Richard Armitage, then-National Security Advisor Condoleezza Rice, and then-Deputy National Security Advisor Stephen Hadley, among others.

In addition, Senators Rockefeller, Levin, and Feinstein wrote to the Senate leadership in November 2005 saying that a task force of Committee Members discussed the importance of interviewing current and former officials within the Departments of State and Defense and the Office of the Vice President, among others. While the letter was, in fact, not an accurate portrayal of the discussions at that meeting (the transcript of the meeting shows that the only individual the task force actually discussed interviewing was Secretary Powell), it nonetheless shows that these Members wanted to conduct such interviews.

We agreed that it was important to interview many of these individuals, and others, if the Committee Members found that any of their statements were not substantiated by the intelligence

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or if they were in another way relevant to the Committee's inquiry. At the time the Committee voted on the Phase II terms of reference in February 2004, Senator Levin agreed with us, noting "but you've got to ask policymakers who made statements relative to weapons of mass destruction what was the basis in intelligence for their statements, if we believe that their statements, reports, or testimony went beyond the intelligence that they were given." Despite this and despite Chairman Rockefeller's own letter requesting these interviews, when we requested that the interviews be conducted so that policymakers could respond to the drafted conclusions that alleged unsubstantiated statements, the request was ignored, and a motion to conduct these interviews offered at the Committee's business meeting was denied a hearing by the Chairman.

Interestingly, in the additional views attached to a Committee report on "*The Use by the Intelligence Community of Information Provided by the Iraqi National Congress*," Chairman Rockefeller and Senators Levin, Feinstein, Wyden, Bayh, Mikulski, and Feingold wrote that the Committee Chairman had declined a request of the Vice Chairman for the Committee to interview White House officials, including speech writers, to fully understand how and why the intelligence assessments were included in major prewar speeches, such as the President's State of the Union Address and Secretary Powell's speech to the UN Security Council. Yet, none of these Members wanted to pursue these interviews once they were in charge of the review.

The only reason we can imagine why the Democrats would not undertake interviews that they had repeatedly requested in the last Congress, is that the interviews were another tactic at delaying the report and allowing more false charges of "obstruction."

Conclusion

Although we are troubled by all of the issues we have outlined thus far—that the report released today was a waste of Committee time and resources that should have been spent overseeing the intelligence community, that the report is part of a partisan agenda, that the report cherry picked information and distorted policymakers' statements and intelligence, and that the majority refused to offer those it is accusing the opportunity to be heard—we are most concerned about the damage that this report will do, and that the whole Phase II effort has done for the past several years, in creating the impression that policymakers should be bound to make policy based on only that which is published in intelligence assessments. This is not only wrong, it is dangerous and it is contrary to everything else this Committee has done since it published its first report on the Iraq intelligence failure. It has the effect of encouraging intelligence community analysts to become policymakers, and encouraging policymakers to adhere strictly to whatever analysts write, when we know that intelligence analysis can be dangerously inaccurate. Have we forgotten how wrong the intelligence judgments were in the October 2002 Iraq WMD NIE and how many other intelligence failures we had before that one? Intelligence is not incontestable truth and it is only one factor out of many that a policymaker must consider before making a policy decision.

This fallacy has also unnecessarily increased demands on the intelligence community. Requesting NIEs with unclassified key judgments has become sport in Washington as each side hopes the NIE will support its position. Cries of "politicization" usually follow from whichever

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side is unhappy with the results. This is not only unfair to the intelligence community, it is dangerous in that analysts will attempt to please all sides and their muddled judgments will help no one.

We expect intelligence analysts to follow tried and true marching orders for intelligence: tell me what you know, tell me what you don't know, tell me what you think, and make sure the policymaker understands the difference. Analysts cannot do this if they are constantly wondering if their assessments will be used for politics.

The Democratic majority, in the partisan way it attempted to suppress intelligence information and skew the historical record, is betting that the public and the media will not take the time to read these and other minority views that expose its hypocrisy. We have written these views to shine a light on it, for if there is any oversight value left in this fruitless endeavor that has consumed so much of the resources of this Committee over a four year period, it would be to expose the true intent of this supposed "oversight."

We regret the damaging effect the majority's report has on this Committee's credibility to oversee our intelligence community and we urge our colleagues to return to the non-partisan underpinnings that the Senate Intelligence Committee was founded upon.

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